

UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
2900 Crystal Drive  
Arlington, Virginia 22202-3513

PWC

Mailed: July 30, 2002

Opposition No. 91-121,759

HEWLETT-PACKARD COMPANY

v.

HOPONE INTERNET  
CORPORATION

**Peter Cataldo, Interlocutory Attorney**

**Amended Notice of Opposition**

The amended notice of opposition, filed on June 10, 2002, is accepted as opposer's operative pleading in this proceeding. Accordingly, applicant is allowed until **thirty days** from the mailing date of this order in which to serve its response to the amended notice of opposition.

The Board notes that the amended notice of opposition filed by opposer herein consists of 32 paragraphs setting forth the basis of opposer's claim of damage. In accordance with Fed. R. Civ. P. 8(b) it is incumbent on applicant to answer the amended notice of opposition by admitting or denying the allegations contained in each paragraph. If applicant is without sufficient knowledge or information on which to form a belief as to the truth of any one of the

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allegations, it should so state and this will have the effect of a denial.

The parties are reminded that Trademark Rules 2.119(a) and (b) require that every paper filed in the Patent and Trademark Office in a proceeding before the Board must be served upon the attorney for the other party, or on the party if there is no attorney, and proof of such service must be made before the paper will be considered by the Board.

#### **Motion to Compel**

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Opposer's motion (filed November 5, 1998) to compel is hereby granted as conceded. See Trademark Rule 2.127(a).

Accordingly, applicant is deemed to have waived its right to object to the discovery requests on their merits. Applicant is allowed until **THIRTY DAYS** from the mailing date of this order to answer the discovery requests as put. See *Crane Co. v. Shimano Industries Co., Ltd.*, 184 USPQ 691 (TTAB 1975) and cases cited therein. In the event that applicant fails to comply with this Board order compelling discovery, the Board may entertain a formal motion for sanctions. See Trademark Rule 2.120(g).

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